

~~SECRET~~This document consists of 3 pages  
No. 6 of 8 copies, series 92~~SECRET~~

DRAFT

January 27, 1967

Paper called for by Para. II.B. of IR Memorandum of  
December 13, 1966

Duration, Review, Amendments and Withdrawal Clauses

The non-nuclear countries will probably object to signing a non-proliferation treaty of unlimited duration containing no obligations upon the nuclear-weapon powers to halt the nuclear arms race within any specified period. The review clause, however, provides for an automatic conference at the end of five years to review the operation of the treaty "with a view to assuring that the purposes and provisions of the Treaty are being realized". We have advised some of our allies that at this conference the non-nuclear-weapon states can call upon the nuclear-weapon states to show whether the treaty is living up to its stated purpose of leading toward the easing of tensions and the facilitating of disarmament rather than merely being a step to preserve nuclear monopoly.

The review clause does not provide for termination at the end of five years and we should oppose any proposal for such a provision. The 1966 Eight-Nation Joint Memorandum urged that periodic review be provided for. If

DECLASSIFIED BY/  
RELEASE AUTHORITY: PAUL HILBURN, SENIOR REVIEWER  
U.S. DEPARTMENT OF STATE  
RELEASE DECISION: RELEASE IN FULL  
DATE: JANUARY 8, 2020

~~SECRET~~~~SECRET~~

UNCLASSIFIED

~~SECRET~~

-2-

pressed on this we should suggest that the conferees at the first conference can agree to meet again at any particular time. No treaty amendment would be necessary for that. And there is no need to establish an inflexible and automatic requirement for review every five years or the like. If this is not sufficient, we should reconsider our position with respect to automatic review.

Any amendments flowing from the review clause would require the votes of a majority of the parties, including all nuclear-weapon parties. Non-nuclear-weapon states may object to this nuclear power veto. However, we could probably not secure Senate consent to a non-proliferation treaty amendments clause without a U.S. veto. We should oppose any such clause on the ground that neither the U.S. nor the Soviet Union could accept it, and that what is proposed is no more than what appears in the 1963 limited test ban treaty.

The <sup>draft</sup> treaty not only provides for review after five years and amendments at any time, but also for withdrawal whenever, in the judgment of the withdrawing party, extraordinary events related to the subject matter of the

~~SECRET~~

~~SECRET~~

-3-

treaty, jeopardize its supreme national interests.  
These provisions, taken together, provide a great deal  
of flexibility for the protection of the interests of  
non-nuclear-weapon states.

ACDA/GC:GD:ann:enc

~~SECRET~~